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Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

OREGON NATURAL DESERT ASSOCIATION,

Plaintiff,

v.

**THOMAS E. RASMUSSEN, Field Manager,
Lakeview Resource Area, SHIRLEY GAMMON,
District Manager, Lakeview District BLM,
GALE A. NORTON, Secretary, U.S. Department
of the Interior, BUREAU OF LAND
MANAGEMENT, and U.S. DEPARTMENT OF
THE INTERIOR,**

Defendants.

Civil No. 05-1616-AS

**STIPULATION &
ORDER RE: ONDA'S MOTION
ATTORNEY FEES & COSTS**

Plaintiff Oregon Natural Desert Association ("ONDA") and Defendants in the above-captioned action (collectively, "Parties") hereby submit and respectfully request that the Court

approve this stipulation memorializing their agreement providing for disposition of ONDA's Motion for Attorney Fees and Costs (Dkt. #99). Specifically, the Parties stipulate as follows:

1. On December 12, 2006, the Court entered a final Judgment (Dkt. #93) in which it dismissed this action with prejudice, from which Defendants filed an appeal to the U.S. Court of Appeals to the Ninth Circuit (Dkt. #95). On June 25, 2007, Defendants dismissed their appeal. On July 20, 2007, ONDA filed its motion for attorney fees and costs. ONDA and Defendants have been engaged in settlement negotiations designed to resolve the issues raised by the motion in the absence of further litigation. Recently, the Parties agreed on the terms of a settlement agreement. This stipulation serves to memorialize and formalize their agreement.

2. Defendants will pay to ONDA the sum of \$50,000.00 as the full amount due and owing and in complete satisfaction of any obligations Defendants may have to compensate ONDA for the expenditures it has made or has yet to make for attorney fees, expenses, and costs related to this case, including but not limited to the expenditures for which it seeks reimbursement in its pending motion and, in consideration of this payment, ONDA releases Defendants from any and all liability for any such obligations. ONDA agrees that, in the event that future court challenges are made to any subsequent decision of Defendants, no application for fees, costs, or expense recovery will include time, costs, or expenses which have been sought or could have been sought with respect to this litigation. Following the Court's approval of this stipulation, Defendants will promptly initiate the process for securing payment of the above-referenced sum and their counsel will provide documentation (via letter, fax, or e-mail) to ONDA's counsel advising of the initiation of that process. Defendants shall make the above-referenced payment electronically to ONDA via direct deposit to the bank account it holds that

its counsel will identify to Defendants' counsel.

3. ONDA hereby withdraws its motion for attorney fees and costs.

4. The fact that the Parties are entering into this stipulation does not constitute, and shall not be construed, as an admission or concession on the part of either ONDA or Defendants with respect to any issues related to the claims ONDA has presented in its motion for attorney fees and costs in this case.

5. The Parties respectfully request that the Court approve this stipulation by signing on the signature block below provided for that purpose.

DATED this 31st day of August 2007.


Respectfully submitted,

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/s/ Kristin F. Ruether
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Having reviewed and approved of the foregoing stipulation of the parties, IT IS SO
ORDERED this 6th day of Sep. 2007.


MICHAEL W. MOOSMAN
United States District Judge